

Remarks

Claims 1-20 are pending, and claims 1-20 stand rejected. The Applicants respectfully traverse the rejection of the Examiner as follows.

§ 103 Rejection

The Examiner rejected claims 1, 2, 7-10, 11, 12, and 17-20 under 35 USC § 103(a) as being obvious in view of U.S. Patent 6,370,572 (Linkskog) and City University's Counselor Program. The Examiner further rejected claims 3-6 and 13-16 under 35 USC § 103(a) as being obvious in view of Linkskog, City University, and U.S. Patent 7,136,927. The Applicants submit that the claims of the pending application are non-obvious over the cited references.

Claim 1 recites a telecommunication system that provides distributed system monitoring. The telecommunication system includes a control system and a plurality of peer communication devices. Each communication device, responsive to handling telecommunications data, collects performance data and transfers the performance data to the control system. The control system processes the performance data from each of the communication devices to generate a performance file that indicates the performance of each of the communication devices, and transfers the performance file to each of the communication devices. Each communication device processes the performance file to compare its performance to the performance of the other peer communication devices. The Applicants submit that the combination of the cited references does not teach a telecommunication system as recited in claim 1.

As a general comment, Linkskog does not teach a telecommunication system where the communication devices monitor themselves as in claim 1. The communication devices in claim 1 report performance data to the control system, and then process a performance file, which indicates the performance of other peer communication devices, to compare its performance with the other peer devices. The communication devices in Linkskog do not compare their performance with the performance of other peer communication devices based on a performance file provided by a control system. In Linkskog, the control system is distributed, meaning that there is a plurality of control agents in the RTCS (see FIG. 4) that process performance data and issue control commands. However, the control agents are not the communication devices. The communication devices in Linkskog are represented by the managed network resources in FIG.

4. These communication devices (e.g., BTS, TRH, etc) report performance data to RTPMS, but a communication device in Lindskog does not receive a performance file from a control system which it processes to compare its performance against the performance of other peer devices. In Lindskog, the performance data is reported to RTCS, which is a control system for the managed network resources. The control agents (CA) in the RTCS process the performance data for the network resources, and determine whether control commands should be issued. If so, the control agents issue the control commands, and transmit the commands to the network resources. Again, the control agents are not communication devices as recited in claim 1. The control agents are merely modules in a distributed control system. As a result, Lindskog does not teach or suggest that a communication device manages itself by comparing its performance against the performance of other peer communication devices.

For the City University reference, the Applicants, with all do respect, do not find how it is relevant. This reference describes a program for school counselors. This reference has nothing to do with managing telecommunications systems, or managing any type of communication network.

The Applicants consequently submit that the neither cited reference teaches or reasonably describes a control system that generates a performance file that indicates the performance of each of the communication devices in a telecommunications system, and transfers the performance file to each of the communication devices as recited in claim 1. The Applicants also submit that the neither cited reference teaches or reasonably describes that each communication device processes the performance file to compare its performance to the performance of the other peer communication devices as recited in claim 1. As a result, the Applicants submit that claim 1 is non-obvious in view of the cited references. The Applicants further submit that claim 11 and the dependent claims are non-obvious for similar reasons.

Additionally, the Applicants submit that the Examiner has improperly combined these references in formulating this rejection. The Examiner cannot use hindsight knowledge after reading the pending claims to piece together unrelated references. The Applicants believe the Examiner has done just that. One skilled in the art of telecommunications management would not be compelled to look to a school counselor program for advice on how to manage a telecommunications system. Thus, there are no legitimate grounds for combining the references. The Applicants submit that the Examiner has used improperly used the pending claims as a

template to piece together two references that would otherwise not be combined. The Examiner explains that there is proper motivation for combining the references, but the Applicants do not find this explanation persuasive. Again, the City University reference has nothing to do with communication networks, and how communication devices operate.

Conclusion

Based on the remarks provided above, the Applicants submit that claims 1-20 are allowable over the cited art. Thus, the Applicants ask the Examiner to reconsider the rejections and allow claims 1-20.

Respectfully submitted,

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